

**ORDINANCE NO. 2021-08**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Key Biscayne (the "Village") has adopted Zoning and Land Development Regulations in order to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village's Comprehensive Plan; and

**WHEREAS**, the Village Council desires to comprehensively update and revise the Village's Land Development Regulations of the Village Code to address various community needs; and

**WHEREAS**, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

**WHEREAS**, the Village Council finds that this Ordinance is in the best interest of the Village's residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:<sup>1</sup>**

**Section 1. Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Amending Chapter 30 of the Village Code.** That the Code of Key Biscayne, Florida is hereby amended by comprehensively updating and revising Chapter 30, "Zoning and Land Development Regulations," as set forth in *Exhibit "A"* attached hereto and incorporated herein.

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

**Section 4. Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions, or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

**PASSED** on first reading on the 24<sup>th</sup> day of August, 2021.

**PASSED AND ADOPTED** on second reading on the 26<sup>th</sup> day of October, 2021.


  
\_\_\_\_\_  
MICHAEL W. DAVEY  
MAYOR

ATTEST:

  
\_\_\_\_\_  
JOCELYN B. KOCH  
VILLAGE CLERK



APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
VILLAGE ATTORNEY

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Chapter 30 - ZONING AND LAND DEVELOPMENT REGULATIONS

\* \* \*

ARTICLE III. - GENERAL PROVISIONS

\* \* \*

Sec. 30-30. - Nonconforming Structures and Uses.

It is the purpose and intent of the Regulations within this section to provide procedures whereby lawful Nonconforming Structures and Uses as defined may be maintained where such maintenance will not have a detrimental effect upon other Persons or property within the vicinity, and in so doing to bring such Uses and Structures up to present standards to the maximum possible extent.

(1) *Nonconforming Use.* A lawful Nonconforming Use may be continued, although such Use does not conform to the Regulations of the applicable zoning district. Any such Use shall only be changed to a permitted Use. A Nonconforming Use shall not be expanded. If such Nonconforming Use is discontinued for a period of six months, any further Use of said Building or land shall be in conformity with the Regulations of the applicable zoning district.

(2) *Nonconforming Building or Structure.* ~~A lawful noneonforming Building or Structure may be utilized for any Use which conforms to the Regulations of the applicable zoning district within which the Building or Structure is located, provided that: (1) no structural Alterations, except those required by law, are made to the Building or Structure; or (2) the use of the nonconforming Building or Structure is not discontinued for a period of six months.~~

(a) To prevent changes in regulation from unduly burdening property owners, legally-established Nonconforming Structures may continue to be used and maintained. Expansions, repairs, alterations, and improvements to Nonconforming Structures shall be permitted only in accordance with the following provisions:

(i) Internal and external repairs, alterations, and improvements that do not increase the square footage of the Nonconforming Structure shall be permitted subject to the requirements of the Florida Building Code and Chapter 10 of the Village Code.

(ii) Expansions to a Nonconforming Structure shall be permitted as follows:

(a) If the total square footage of the proposed improvement is less than 50 percent of the structure's net square footage at the time it became nonconforming, the improvement shall comply with current regulations.

(b) If the total square footage of the proposed improvement is equal to or exceeds 50 percent of the Structure's net square footage at the time it became nonconforming, the entire Structure and site improvements shall be brought into compliance with current regulations.

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- 39                   (c) Once the cumulative total of additional square footage of improvements  
40                   equals 50 percent of the structure's net square footage at the time it  
41                   became nonconforming, no additional expansions shall be permitted and  
42                   the entire Structure and site improvements shall be brought into  
43                   compliance with current regulations.
- 44                   (d) For the purposes of this Section, net square footage shall refer to the  
45                   square footage indicated on the building permit or determined through  
46                   equivalent evidence such as aerial photographs, tax roll information,  
47                   certificates of use or occupancy, or design professional certifications.
- 48           (b) If a Nonconforming Structure is deemed unsafe pursuant to Chapter 8 of the  
49           County Code and demolition is required, the Building or Structure shall be rebuilt  
50           in accordance with current regulations.
- 51           (c) In addition to the requirements of this Section, a lawful Nonconforming Structure  
52           may be utilized for any Use that conforms to the Regulations of the applicable  
53           zoning district within which the Building or Structure is located, provided that the  
54           use of the Nonconforming Structure is not discontinued for a period of six months.
- 55           (d) If a Nonconforming Structure is damaged by fire, flood, explosion, wind, war, riot  
56           or any other act of God, repairs shall be subject to the following provisions:
- 57                   (i) If the repair/replacement cost is less than 50 percent of the Market Value, the  
58                   Nonconforming Structure may be reconstructed up to the same Building height  
59                   and within the same Building footprint existing prior to the damage, provided  
60                   that an application for final Building permit has been submitted within 12  
61                   months of the date of such damage unless extended by the Building, Zoning,  
62                   and Planning Director.
- 63                   (ii) If the repair/replacement cost is equal to or exceeds 50 percent of the Market  
64                   Value, the Nonconforming Structure shall be brought into compliance with  
65                   current regulations.
- 66                   (iii) For purposes of this subsection, the term "market value" refers to the market  
67                   value of buildings and structures, excluding the land and other  
68                   improvements on the parcel. Market Value may be established by a qualified  
69                   independent appraiser using the comparative sales method, Actual Cash  
70                   Value (replacement cost depreciated for age and quality of construction), or  
71                   tax assessment value adjusted to approximate market value by a factor  
72                   provided by the Property Appraiser.
- 73           (3) ~~*Maintenance and repairs.* Necessary maintenance and repairs may be made to any~~  
74           ~~nonconforming Building or Structure, provided no structural Alterations are made, and~~  
75           ~~further provided that such work in any 12-month period does not exceed 50 percent of~~  
76           ~~the value of such Building or Structure as shown on the County tax assessment records~~  
77           ~~or as established by an independent appraiser who is a designated member of any~~  
78           ~~nationally recognized professional appraisers organization. [Reserved].~~

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(4) *Compliance with Regulations.* Nothing in this section shall diminish the responsibility of an owner to maintain his Use or Structure in full compliance with all other Village, County, State or federal Regulations or licensing procedures.

(5) *Establishment of nonconformity.* For the purpose of this section, the mere possession of a valid approval to Use land or Buildings or valid license to do so without actual demonstrable Use of such land or Structure is an insufficient basis to establish lawful nonconformity.

Sec. 30-31. – Duplex Subdivision.

(a) In all zoning districts within which Duplexes are permitted, the property owner may file an application with the Building, Zoning, and Planning Director to subdivide an otherwise legally sited Duplex Structure into two separate ownerships. The Director shall review the application based upon the criteria set forth below:

(1) The applicant has filed a parallel application for Subdivision of the Lot and Structures into two separate single Family residential properties; and

(2) The Structure proposed for division is designed, sited and subdivided in a manner that will not have a detrimental impact on the adjoining property or character of the surrounding area. Should the Building, Zoning and Planning Director deny the request, the applicant may file an appeal of an administrative decision.

(b) Covenant in Lieu of Unity of Title. Notwithstanding the provisions of subsection (a), in all zoning districts within which Duplexes are permitted, the property owner may request a Covenant in Lieu of Unity of Title with the Building, Zoning, and Planning Director and shall provide a declaration of restrictive covenants, approved for legal form and sufficiency by the Village Attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property. To the extent applicable, the declaration shall contain the following necessary elements:

(1) The subject site will be developed in accordance with the approved site plan. No modification shall be submitted to the Village for approval without the written consent of the then owner(s) of the phase or portion of the property for which modification is sought.

(2) If the subject property will be developed in phases, that each phase will be developed in accordance with the approved site plan.

(3) In the event of multiple ownerships subsequent to site plan approval, that each of the subsequent owners shall be bound by the terms, provisions and conditions of the declaration of restrictive covenants. The owner shall further agree that he or she will not convey portions of the subject property to such other parties unless and until the owner and such other party (parties) shall have executed and mutually delivered, in recordable form, an instrument to be known as an “easement and operating agreement” which shall contain, among other things:

a. Easements in the common area of each parcel for ingress to and egress from the other parcel;

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- b. Easements in the common area of each parcel for the passage and parking of motor vehicles;
- c. Easements in the common area of each parcel for the passage and accommodation of pedestrians;
- d. Easements for access roads across the common area of each parcel to public and private roadways;
- e. Easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;
- f. Easements on each such parcel for construction of Buildings and improvements in favor of each such other parcel;
- g. Easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;
- h. Easements on each parcel for attachment of Buildings;
- i. Easements on each parcel for Building overhangs and other overhangs and projections encroaching upon such parcel from adjoining parcels for marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
- j. Appropriate reservation of rights to grant utility easements;
- k. Appropriate reservation of rights to road right-of-ways and curb cuts;
- l. Easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
- m. Appropriate agreements between the owners of the several parcels as to the obligation to maintain and repair all private roadways, parking facilities, common areas and common facilities and the like.

In addition, such easement and operating agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as agreed to by the parties, to ensure that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan. Non-use variances created solely by separate ownerships, pursuant to this section, shall be waived.

(4) Duration and Release. The declaration of restrictive covenants shall be in effect for a period of 30 years from the date the documents are recorded in the public records of Miami-Dade County, Florida, after which time they shall be extended automatically for successive periods of ten years unless released in writing by the owners and the Village Manager, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.

(5) Enforcement. Enforcement of the declaration of restrictive covenants shall be by action at law or in equity with costs and reasonable attorney's fees to the prevailing party.

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Sec. 30-34. - Building permits and survey requirements.

All applications for building permits shall be accompanied by a survey and Site Plan drawn to scale showing the actual dimensions of the Lot to be built upon, the size of the Building to be Erected, the Setback lines observed, and such other information as may be requisite and necessary to provide for the enforcement of the criteria contained in these Regulations. Site Plans shall be accompanied by a current survey, which shall be less than two years old for single family residential properties and less than three years old for all other properties. The survey shall contain a legal description of the property; all property lines; adjacent street edge of pavement; spot elevations at all property corners and at crown of road; easements or other encumbrances; fences or walls; and any other existing site feature, including trees, as applicable. If the survey is older than that required by this section, but conditions depicted are current, the applicant or authorized agent may submit a notarized affidavit in a form approved by the Village Attorney in lieu of a new survey. An updated survey must be submitted at the time of setback inspection and an as-built survey must be submitted at Final Inspection. A record of such application and copy of the survey and Site Plans shall be kept by the Building, Zoning, and Planning ~~Director~~ Department and available for public inspection.

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ARTICLE IV. - ADMINISTRATION OF THE ZONING ORDINANCE

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Sec. 30-64. - Supervisory Variances.

The supervisory Variance procedure shall be used for a Variance from these Regulations, limited to improvements existing at the time of application as opposed to planned construction and involving the following matters exclusively: Setbacks, spacing of Buildings, height of Structures, Maximum Lot Elevation, Floor Area Ratios, Lot Coverage, Pervious Area, and Parking. The supervisory Variance procedures may only be used for applications that receive the approval of the Building, Zoning, and Planning Director and are subject to the following:

- (1) The Building, Zoning and Planning Director shall have the authority to waive up to two feet or ten percent, whichever is ~~greater~~less, of the required Setbacks, ~~Lot Coverage, Pervious Area, spacing between Buildings, or Parking; or may permit an additional two feet or ten percent, whichever is less, of Floor Area Ratio, Lot Coverage, Maximum Lot Elevation; or may permit additional height of Structures not exceeding six inches for projects that have been completed or are under construction (see paragraphs (3) and (4) below).~~ Applicants are restricted to current property owners.
- (2) ~~The applicant shall provide a Written statement from the Abutting Property owner consenting to the waiver. There shall be no other notice requirement. The Applicant shall notify each adjacent or abutting Property owner of the application on a form provided by the Village. The Village may not act on or make a decision on the application until at least 15 days after receipt of the documentation needed as part of this subsection.~~

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Sec. 30-65. - Administrative Variances.

- (a) The administrative Variance procedure shall be used for a Variance from these Regulations limited to improvements existing at the time of application as opposed to planned or pending construction and involving the following matters exclusively: Setbacks, spacing of Buildings, height of Structures, Maximum Lot Elevation, Floor Area Ratios, Lot Coverage, Pervious Area, and Parking. The administrative Variance procedures may only be used for applications that receive the approval of the Building, Zoning, and Planning Director. The maximum amount of the waiver is 20 percent of the requirement. Notwithstanding, for height of Structures, the maximum waiver shall be for additional height not exceeding 12 inches.
- (b) An application for an administrative Variance shall be made by the fee owner of the property on a form prescribed by the Building, Zoning and Planning Department and shall be submitted to the Building, Zoning and Planning Department, together with a processing fee that shall be set and may be amended from time to time by the Village Council. The application shall include a ~~recent~~ survey of the property, an accurately dimensioned Site Plan showing the existing Structures on the subject property, the general location and Use of



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existing Structures on the Adjacent Properties from which the non-use Variance is being requested and a letter of intent explaining the reason and justification for the non-use Variance. The application shall be accompanied by:

(1) ~~The Written consent of all the owners of all adjacent or abutting Lots to the subject property, including Lots immediately across the Street from the subject property; and Confirmation of Applicant's notification to each adjacent or abutting Property Owner of the application on a form provided by the Village. The Village may not act on or make a decision on the application until at least 15 days after receipt of the documentation needed as part of this subsection.~~

(2) The Written consent of all utilities and/or Easement holders if the proposed work encroaches into any Easements.

(3) No other form of public notice is required.

Administrative Variance applications shall not be processed unless and until all the information set forth in this subsection (b) is delivered to the Director of the Building, Zoning and Planning Department.

(c) Upon receipt of the completed application for the administrative Variance, the Director of the Building, Zoning and Planning Department, prior to making his or her decision, shall inspect or shall have a staff member of the department inspect the subject property and its surrounding properties to determine what impact, if any, the proposed request will have on the area. ~~The applicant shall submit a petition from the residents and/or owners of the Adjacent Properties including the property or properties immediately across all adjacent Streets, attesting to their approval of the administrative Variance. The Building, Zoning and Planning Department shall determine who is required to sign the petition.~~

(d) Upon receipt of all necessary information including a staff report, the Director of the Building, Zoning and Planning Department shall review the information and render his or her decision either approving, approving with modifications, or denying the request. A copy of said decision shall be published in a newspaper of general circulation in the Village. A courtesy notice containing the decision of the Director of the Building, Zoning and Planning Department shall be mailed to adjacent Property owners of record, their tenants or their agents, as noted on the application. The failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder. In granting any administrative Variance, the Director of the Building, Zoning and Planning Department may prescribe any appropriate conditions and safeguards he may feel necessary to protect and further the interest of the area and adjacent Properties.

(e) The applicant or any aggrieved property owner may appeal the decision of the Director of the Building, Zoning and Planning Department to the Village Council within 15 days from the date the decision is published. A building permit shall not be issued until the appeal period has expired. In the event the Director of the Building, Zoning and Planning Department should determine that the prohibition of issuing a building permit could cause imminent peril to life or property, the Director may permit the issuance of a building permit upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances. All appeals hereunder shall be in the form

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prescribed by the Village Manager and shall include a processing fee which shall be set and amended from time to time by the Village Council.

- (f) A request for judicial review of a decision of the Village Council shall be made in a court of competent jurisdiction.

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Sec. 30-67. - Summary of Variance Regulations.

Regulation	Supervisory Variance*	Administrative Variance*	Regulatory Variance
Variance relating to:	<u>Setbacks, spacing of Buildings, height of Structures, Maximum Lot Elevation, Floor Area Ratios, Lot Coverage, Pervious Area, Parking</u>	<u>Setbacks, spacing of Buildings, height of Structures, Maximum Lot Elevation, Floor Area Ratios, Lot Coverage, Pervious Area, Parking</u>	All Variances (excluding Use, Density, and Signs)
% or footage that may be waived	2 ft. or < 10% of requirement, <u>whichever is less;</u> <u>additional height of Structures not exceeding 6 inches</u>	> 10% but < 20% ; <u>additional height of Structures not exceeding 12 inches</u>	Any percentage
Requires Building, Zoning, and Planning Director approval prior to processing	Yes	Yes	No
<del>Approval of Adjacent Property owner nearest to request</del>	<del>Yes</del>	<del>Yes</del>	<del>No</del>
<del>Approval of all Adjacent Property owners (petition)</del>	<del>No</del>	<del>Yes</del>	<del>No</del>

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Mailed notice to property owners within 300 ft. of property which is subject of the application	No; <u>however, see Sec. 30-64(2)</u>	No; <u>however, see Sec. 30-65(b)(1)</u>	Yes
Notice in newspaper	No	Yes	Yes
Posting of property	No	No	Yes
Appeal to	Village Council	Village Council	Court

\*Limited to improvements existing at the time of application as opposed to planned or pending construction.

\* \* \*

ARTICLE V. - SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS

Sec. 30-100. - Single Family and Two-Family districts.

(a) *Purpose and Uses.*

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
These districts are designed to protect the character of Single Family and Two-Family homes and to regulate Development within the district as <u>it</u> relates to neighboring properties and adjacent streets.	VR, VE, and IR Districts: Single Family Dwelling  PS District: Single Family and Two-Family attached Dwelling	None	Any Use that is customarily associated with the Main Permitted Use (see section 30-111).	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use (see section 30-113).

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271 (b) *Development Regulations.*

Regulation	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Lot Frontage	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *
Lot Area	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots as of October 24, 2000 *	Minimum 10,000 sq. ft. or as platted*, <u>except for those properties that have a Single Family Low Density Residential Future Land Use Map designation in the Comprehensive Plan, which shall be a minimum of 15,000 sq. ft. or as platted.*</u>  Maximum two platted Lots as of October 24, 2000 *	Minimum 10,000 sq. ft. or as platted, <u>except for those properties that have a Single Family Low Density Residential Future Land Use Map designation in the Comprehensive Plan, which shall be a minimum of 15,000 sq. ft. or as platted.*</u>  Maximum two platted Lots as of October 24, 2000 *	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots as of October 24, 2000 *
Minimum Pervious Area (% of Lot)	30%	30%	30%	30%

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Maximum Lot Coverage	<p style="text-align: center;"><u>Existing One Story residences, 45%</u> <u>Existing Multistory residences, 35%</u></p>
	<p style="text-align: center;"><u>New One Story residences, base 38%.</u></p> <p><u>Bonus for rainwater harvesting and re-use for irrigation in a concealed cistern, rain barrel, water reuse system, or engineered drainage system, calculated as follows: ***</u></p> <p><u>For lots less than or equal to 8,000 sq. ft., 3% for an 800 gallon capacity and additional 1% for each additional 200 gallon capacity up to a maximum of 7%;</u></p> <p><u>For lots greater than 8,000 sq. ft., 3% for a 1,200 gallon capacity and additional 1% for each additional 250 gallon capacity up to a maximum of 7%.</u></p> <p><u>In no event shall the maximum lot coverage for a new one story residence, inclusive of these bonuses, exceed 45%.</u></p>
	<p style="text-align: center;"><u>New Two Story residences, base 28%.</u></p> <p><u>Bonus for rainwater harvesting and re-use for irrigation in a concealed cistern, rain barrel, water reuse system, or engineered drainage system, calculated as follows: ***</u></p> <p><u>For lots less than or equal to 8,000 sq. ft., 3% for an 1,200 gallon capacity and additional 1% for each additional 200 gallon capacity up to a maximum of 7%;</u></p> <p><u>For lots greater than 8,000 sq. ft., 3% for a 1,500 gallon capacity and additional 1% for each additional 300 gallon capacity up to a maximum of 7%.</u></p> <p><u>In no event shall the maximum lot coverage for a new two story residence, inclusive of these bonuses, exceed 35%.</u></p>
Maximum Floor Area Ratio (FAR)	<p style="text-align: center;">.47</p> <p>For new construction on vacant Lots and additions to existing buildings. the following shall apply:</p>
	<p style="text-align: center;">Base FAR</p> <p>.30 for Developments on one platted Lot in the VR and PS districts.</p> <p>.36 for Developments in the VE and IR districts.</p> <p>.13 for Developments on more than one platted Lot.</p>

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	Notwithstanding the above, the base FAR for a One Story Home is .36.
	Maximum FAR (See FAR bonus criteria below) .47 for Developments on one platted Lot. ** .35 for Developments on two or more platted Lots.
Gross Floor Area Ratio	.65  Gross floor area ratio calculation shall include Balconies, Porches, garages, Carports, and all interior spaces <del>that is</del> <u>are</u> air conditioned; <u>however, 50% of the area of first floor Balconies, Porches, and Terraces shall be counted towards gross floor area ratio.</u> In no instance shall the Floor Area in the attic be included within this calculation.
Notes	<p>* Platted as of the effective date of this section (October 24, 2000).</p> <p>** Except where said platted lot was created by the resubdivision (through platting or otherwise) of two or more platted lots, from and after October 10, 2006. Any such newly created single lot shall be deemed to be two platted lots and limited to a maximum base FAR of .35.</p> <p>*** <u>In order to qualify for this Bonus, at least 50 percent of the roof runoff must be captured in concealed cistern, rain barrel, water reuse system, or engineered drainage system as certified by a licensed professional engineer. Notwithstanding, blue or green roof areas may qualify for a maximum 15 percent shortage of the minimum 50 percent required roof runoff capture area. Grading and drainage plans must be prepared by a professional engineer, registered architect or registered landscape architect and shall be submitted to the Building Department at the time of application for a building permit. Grading and drainage plans shall be based on a one-inch rainstorm retention. Drainage calculations, contours, spot grade elevations, and any proposed regrading of the site shall be shown on the plans. The following runoff co-efficient shall be used in calculating required retention volume:</u></p> <ul style="list-style-type: none"> <li>• <u>Roof, driveway, concrete, pool: 0.95</u></li> <li>• <u>Pervious pavement, gravel: 0.20</u></li> <li>• <u>Landscape: 0.10</u></li> </ul>

274 A Development may exceed the base FAR up to and limited by the maximum base FAR as  
275 set forth above, subject to an administrative determination by the Building, Zoning, and Planning  
276 Director that the design meets one or more of the FAR Bonus criteria identified below (FAR  
277 Bonus Criteria).

278 The FAR bonuses, if any, must be listed on the Site Plan page and approved by the plans  
279 reviewer and the Building, Zoning and Planning Director. No certificate of occupancy or  
280 completion shall be issued unless the completed Development includes each of the bonuses listed  
281 on the approved Site Plan and the property owner executes and records a Restrictive Covenant in

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282 a form approved by the Village Attorney that each bonus shall be continually and properly  
283 maintained. Where a bonus is removed, altered, or damaged, the Village shall not issue any  
284 further Building permits until such time as the owner provides evidence of compliance with the  
285 approved site plan and the provisions of this Section.

286 *VR and PS Districts:* Designs that do not receive both bonuses 3 and 11 shall be assigned a  
287 minus .10.

288 *VE and IR Districts:* Designs that do not receive bonus 11 shall be assigned a minus .10.

	<b>FAR BONUS CRITERIA</b>  (a minimum of 2 bonuses from Categories 2 through 4 must be utilized prior to using any Category 1 bonuses)	Base FAR Increase
<b><u>CATEGORY 1</u></b>	<b><u>COMMUNITY CHARACTER</u></b>	
1.	Porch facing a Street which meets the following minimum standards: depth 4 ft and length 8 ft., minimum Floor Area 120 sq. ft., <del>elevation shall not exceed the Base Flood Elevation</del> , steps setback 5 ft. from any property line.	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
2.	Open and unenclosed balconies located above the first finished floor	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
3.	Front yard setback bonus	.006 for every foot the Main Permitted Use is setback less than 20 ft. to a minimum of 15 ft.
4.	a. Garage or Carport containing two or more vehicles parked parallel with an exterior column separating each of the spaces; or, alternatively,	.02
	b. <u>Garage or Carport containing two vehicles parked parallel without a column separating each of the spaces having a width no greater than 22 feet measured from the exterior.</u>	<u>.02</u>
5.	Single Story Home	.03
6.	Combination One and Two Story Home with the second floor occupying less than 50 percent of the	.10



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	Floor Area of the first floor under roof	
7.	Entrances to Parking garages:	
	Interior Lot: placed in a location that does not face the Street.	.03
	Corner Lot: entrance in a Side Yard	.03
8.	a. All windows above the first floor facing an adjacent <del>Building side property</del> which are five ft. above the finished floor <u>or all windows above the first floor are translucent; or, alternatively, *</u>	.01 per side <u>to a maximum of .02</u>
	<del>b. or if all Building Walls along the interior side of a property do not have windows</del> <u>all windows facing an interior side property line are translucent *</u>	<del>.03</del> <u>.15</u> per home side <u>to a maximum of .03</u>
9.	Side Yard Setback which: <u>Outside moldings or reveals</u>	<u>.0001 per linear foot with a .02 maximum</u>
	a. <del>Exceeds the required Yard</del>	<del>.00005 per each sq. ft. to a maximum of .03</del>
	b. <del>Has a minimum 15 ft. Side Yard Setback</del>	<del>.03</del>
10.	Rear yard setback bonus	.003 for every foot the Main Permitted Use is setback less than 20 ft. to a minimum of 15 ft.
11.	VR and PS Districts: Structures that provide a front Setback of less than 20 ft. which have a roof at least three ft. lower than the roof of the main Structure	.03
	IR and VE Districts: A portion of the Building having a length of at least ten ft. with a Front Yard Setback that exceeds the required 25 ft. Setback	.0002 per sq. ft., maximum .03
12.	Reduction in Building Height.	.006 per foot or fraction thereof with a maximum of .03

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<u>CATEGORY</u> <u>2</u>	<u>RENEWABLE ENERGY</u>	
13.	Reveals <u>Solar panels that are screened from the public right of way</u>	<u>.001 per sq. ft. with a .02 maximum</u> <u>minimum of 4kW for a .01; each additional kW .005 with a maximum of .03</u>
<u>CATEGORY</u> <u>3</u>	<u>RESILIENCY</u>	
14.	<del>Outside Moldings with a minimum width of 4 inches.</del> <u>Florida Friendly Landscaping (native, drought, and salt tolerant) in accordance with sec. 373.185(1)(b), Fla. Stat.</u>	<del>.0001 per linear ft. with a .02 maximum</del> <u>.03 for 80% of planting requirement</u>
<u>CATEGORY</u> <u>4</u>	<u>STORMWATER DRAINAGE</u>	
15.	<u>Roof garden or rooftop built-in planter(s)</u>	<u>.003 per 10% of roof area</u>
16.	<u>Side Yard Setback which:</u>	
	<u>a. Exceeds the required Yard; or</u>	<u>.00005 per each sq. ft. to a maximum of .03</u>
	<u>b. Has a minimum 15 ft. Side Yard Setback</u>	<u>.03 (credit for one side only)</u>

289 \*=Notwithstanding the foregoing, this bonus is only applicable within 20 feet of the adjacent side  
290 property line.

291 (c) *Building and Wall height.*

292 (1) Maximum Building Height is 35 feet. The height of a Building shall be its overall  
293 height measured from the Base Flood Elevation to the highest point of the Building roof  
294 for Elevated Homes and from the crown of a road to the highest point of a roof for Non-  
295 Elevated Homes. Maximum number of stories shall not exceed two above the Base  
296 Flood Elevation; provided that one additional story is permitted subject to the  
297 following:

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- a. The maximum Floor Area shall not exceed 15 percent of the Floor Area of the Main Permitted Use or 600 square feet whichever is smaller.
- b. The second story tie beam shall be no higher than 27 feet above the Base Flood Elevation.

(2) Maximum exterior Wall height, length, and elevation of the lowest floor.

- a. The maximum exterior Wall height for a one Story Structure is 15 feet; however, nothing herein shall prevent vaulted or clearstory Walls with a maximum height of 22.5 feet.
- b. The maximum exterior Wall height is 22.5 feet above the Base Flood Elevation for Elevated Homes and the lowest floor for Non-Elevated Homes. The maximum exterior wall height may be increased six-inches for every one-foot that the lowest floor is above Base Flood Elevation not to exceed 24.5 feet.
- c. The maximum Wall height may be increased at a ratio 8:12 (up to 27 feet Wall height), as the Wall is Setback from the minimum Setback line.
- d. ~~Twenty-five percent of each entire exterior Wall shall have a setback that is at least three feet greater than the remaining portion of the Wall the surface area of any exterior Wall or facade exceeding 35 feet in length shall be setback a minimum of two feet. Terraces, Balconies and/or Porches shall not be counted in determining the length of the Wall.~~
- e. ~~Walls above 22.5 feet shall have a minimum of 60 percent of the surface open. [Reserved.]~~
- f. ~~If a Wall facing a yard exceeds 22.5 feet in height, an architectural feature that projects at least two feet, but not more than four feet, from that Wall shall be placed at or below the 22.5 feet elevation. The architectural feature shall extend around the entire structure if the design permits this to occur. [Reserved.]~~
- g. The maximum elevation of the lowest finished floor shall be the Base Flood Elevation, ~~plus four feet. Except for garages, which may have a ceiling above the Base Flood Elevation with a height of seven feet and six inches from the finished floor elevation. No more than 50 percent of the floor may be at that elevation.~~
- h. Understory Area.
1. Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, structural walls or columns, open-wood lattice work, louvers, or similar architectural treatments, provided they are open a minimum of 50 percent on each side.
2. All unenclosed, non-air-conditioned areas located directly below the first habitable floor shall not count in the unit size calculations.

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3. Understory building access. Enclosed, air-conditioned elevator and stair vestibules for access to the first habitable level of the home shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations. The total area of enclosed and air-conditioned building access shall be limited to no greater than three percent of the lot area. All air-conditioned floor space located directly below the first habitable floor shall count in the total unit size calculations.
4. Parking, including required parking, may be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard.
5. Conduits for lighting, sprinkler, piping, plumbing, and electrical, and all other building services, shall be concealed from view from the right of way by architectural methods.
6. Understory ground elevation and materials. The minimum elevation of the understory ground shall be constructed no lower than one foot above the crown of road. All portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel or pavers set in sand. Concrete, asphalt, and similar material shall be prohibited within the non-air-conditioned portions of the understory area. Notwithstanding the foregoing, concrete on areas may be permitted where no more than two cars can fit (maximum 500 square feet) for the purposes of parking cars only.
- (3) ~~Maximum~~ Elevation of an entrance to the Main Permitted Use in the front or side yard facing a street is the shall be at Base Flood Elevation or above.
- (4) Exceptions to the maximum height requirements.
- a. Chimneys, flag poles and ornamental towers: Ten feet above the highest point of the roof. The floor area of the ornamental towers shall not exceed 25 square feet.
- b. Mechanical equipment, HVAC, and elevators: Ten feet above the highest point of the roof and shall be ~~completely~~ structurally screened from a view measured at the front property line on the opposite side of the Street from the Structure a minimum of 12 inches above the top of unit(s). Elevator towers shall be located as close to the center of the roof as possible to minimize visual impact. The Director may require a line-of-sight study.
- c. Each parapet shall not exceed ~~three feet~~ 42 inches in height above the finished floor nor occupy more than three square feet in area.
- d. Railings and balustrades above the roof beam shall have a height of 42 inches ~~and shall be open at least 50 percent.~~
- e. Gable end roofs: maximum 24 feet width and eight feet height to peak.
- (d) *Maximum Lot elevation and drainage.*

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(1) *Generally.* For the purpose of regulating Lot elevations there is hereby established three zones. The "Front Zone" being the area between the Building and any adjacent Street(s) but in no event being less than 15 feet from any Street(s). The "Rear Zone" being the area from the Building to the interior and rear property line(s) (or to the waterfront zone, if applicable) and to the back of the "Front Zone." The "Waterfront Zone" being the entire area within 25 feet from any body of water.

a. *"Front Zone."* When a Lot is filled for Development purposes the area delineated as the front zone may not be filled to ~~an elevation greater than two feet above the average crown of road~~ a slope no greater than 14 percent. However, the driveway grade shall not exceed ten percent above the crown of the road.

b. *"Rear Zone."* When a Lot is filled for Development purposes the area delineated as the "Rear Zone" may not be filled to an elevation greater than two and one-half feet below the established ~~B.F.E.~~ Base Flood Elevation.

c. *"Waterfront Zone."* When a Lot is filled for Development purposes the area delineated as the "Waterfront Zone" may not be filled to an elevation greater than six inches above the bulkhead; however, in no instance shall the height of a bulkhead or Lot be raised to a height that exceeds the maximum elevation as established in the "Rear Zone."

[d.] *Reserved.*

~~e. *"Pools, pool Decks, Terraces."* Pools, pool Decks and Terraces which are located in compliance with the required Setbacks for all Structures and are above the height restrictions established in subsection (2) are included in the Lot Coverage calculation. Pools, pool Decks and Terraces that are located in compliance with the required Setbacks and height restrictions are not included in the Lot Coverage calculation.~~

[2] *Reserved.*

(3) *Grading and Drainage.* Within any zone immediately adjacent to the property line, a drainage swale of at least six inches in depth shall be provided to capture the first inch of runoff. The cross-section slope to the swale shall not exceed 14 percent. A retaining wall with a minimum of two inches above final grade shall be required to support the additional elevation necessary to provide the required drainage swale if the elevation does not meet the adjacent elevation or is not part of retaining the water on site. If the resultant perimeter grade is above the adjacent grade, a retaining wall shall be provided to retain runoff from the property. In either case, the retaining wall shall be waterproofed on the interior side. Notwithstanding the provisions of this subsection, where a property has received the maximum bonus for lot coverage pursuant to Section 30-100(b) and the adjacent properties have the same elevation as the subject property, a retaining wall shall not be required.

(e) *Setback Regulations (minimum).*

Yard	VR Village	VE Village	IR Island	PS Parkside
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	Residential	Estate <sup>^</sup>	Residential	Residential
Front	20 ft. *	25 ft.	25 ft.	20 ft. *
Rear	25 ft. *	25 ft. **	25 ft.	25 ft. *
Side, interior	<p>One Story new construction or one story addition: 7.5 ft.</p> <p>One Story with a second floor addition: sum of the sideyards at the second floor shall be 25% of <u>Average Lot Width</u> with no Side Yard less than 7.5 feet.</p> <p>7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.</p> <p>New construction: Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the <u>Average Lot <del>wWidth of the Lot</del></u> with no Side Yard less than 7.5 feet.</p> <p>New construction or second floor additions: Lots with a lot width of 100 ft. or more shall have</p>	<p>New construction: 7.5 minimum setback and sum of sideyards shall be 30% of <u>Average <del>L</del>ot <del>wWidth</del></u> but no sideyard shall be required to exceed 30 ft.</p> <p>One story additions may follow the existing building wall setback. Second story additions shall have a 15 ft. setback.</p>	<p>New construction: 7.5 minimum setback and sum of sideyards shall not be less than 30% of the <u>Average Lot <del>wWidth of the Lot</del></u>; but, no sideyard shall be required to exceed 30 ft.</p> <p>One story additions may follow the existing building wall setback. Second story additions shall have a 15 ft. setback.</p>	<p>One Story new construction or one story addition: 7.5 ft.</p> <p>One Story with a second floor addition: sum of the sideyards at the second floor shall be 25% of <u>Average <del>L</del>ot <del>wWidth</del></u>, with no Side Yard less than 7.5 feet.</p> <p>7.5 feet for an addition of a second or higher Story which contains less than 50% of the Floor Area of the first floor.</p> <p>New construction: Two stories or more: The sum of the Side Yard Setbacks shall not be less than 25% of the <u>Average Lot <del>wWidth of the Lot</del></u> with no Side Yard less than 7.5 feet.</p> <p>New construction or second floor additions: Lots with a lot width of 100 ft. or more shall have</p>

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	no Sideyard less than 15 ft.			no Sideyard less than 15 ft.
Side facing a Street	15 ft.	Same as interior side setback	Same as interior Side setback	15 ft.

\* Allowable 15-foot Front and Rear Yard Setback subject to the requirements of the table below. ~~The 15-foot rear Setback requires the installation of a~~ A dense landscape screen with a height of at least ~~ten~~ eight feet at time of planting and a potential height of at least ten feet shall be planted along the rear property line parallel to the linear width of any Building projection within the required rear yard. There shall be no a Access from the ~~b~~ Building ~~or the ground to a deck or to the roof of to~~ that portion of the ~~b~~ Building that is in the required rear yard shall be limited to an area that does not exceed 25 percent encroachment or a maximum six feet from the required Rear Yard Setback line. The same limit shall not apply to the front encroachment for deck or roof access. The maximum number of stories in the required rear yard is one story.

\*\* Within the Village Estate District, the following properties shall provide a Rear Yard Setback of 50 feet: 200—290 Harbor Drive.

<sup>^</sup> Where a property is located within VE, Village Estate, and has a lot area less than 10,000 square feet, the setback shall be as provided in VR, Village Residential, or as platted.

Number of Stories	Height of Building Wall *	Building Wall Length
1	15 ft. ***	40% of the width of the Lot
2 or more	22.5 ft.	34% of the width of the Lot
Garages	Shall provide a 20 ft. Setback if the entrance faces a Street; The elevation facing the Street shall appear as an integral residential part of the Structure including windows and finishes.	

~~\* That portion of the building in the required yard with a 15-foot setback is limited to one story. There shall be no access to roof deck from the building or from the ground.~~

~~\*\* Within the Village Estate District the following properties shall provide a rear Setback of 50 feet: 200—290 Harbor Drive.~~

\* The maximum exterior wall height may be increased six-inches for every one-foot that the lowest floor is above Based Flood Elevation not to exceed 24.5 feet.



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\*\*\* However, nothing herein shall prevent vaulted or clearstory Walls with a maximum height of 22.5 feet.

(f) Accessory Structures and Permitted encroachments in Required Yards.

\* \* \*

(3) Decks, ~~pools~~, and screen enclosures.

- a. Decks shall provide a minimum five-foot Setback to any Lot line; Zero feet Rear Yard Setback for waterfront properties.
- b. ~~Decks and swimming pools~~ shall not exceed a height greater than that allowed for the Maximum Lot Elevation. If located outside of the required yard area, the height shall not exceed finished floor elevation.
- c. ~~[Reserved]. Pools. Swimming pools shall be subject to the following Setback limitations and shall not exceed a height greater than that allowed for the Maximum Lot Elevation (see subsection (27) for swimming pool equipment setbacks):~~

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	6.5 ft.	10 ft.	25 ft.	25 ft.	6.5 ft.
Rear	6.5 ft.	6.5 ft.*	6.5 ft.	6.5 ft.*	6.5 ft.
Side, interior	6.5 ft.	6.5 ft.	7.5 ft.	6.5 ft.	6.5 ft.
Side, Street	6.5 ft.	6.5 ft.	15 ft.	15 ft.	6.5 ft.

\* ~~Waterfront Lots shall provide a zero Setback. The foregoing Setbacks shall be measured from the water's edge.~~

- d. ~~Screen enclosures. Where a screen enclosures is used to enclose a pool or other area of a residence, it shall be limited in height to 22.511 feet and subject to the following Setback limitations:~~

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted except for	Not permitted except for	Not permitted except for	Not permitted except for	Not permitted except for

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	Porches	Porches	Porches	Porches	Porches
Rear	5 ft.	25 ft.	5 ft.	25 ft.	5 ft.
Side, interior	5 ft.	5 ft.	7.5 ft.	15 ft.	7.5 ft.
Side, Street	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

Notwithstanding the foregoing, the height of a screen enclosure shall not exceed 8.5 feet above the Base Flood Elevation at the rear and side Setback, with a gradual transition (8:12 ratio) to any greater height (up to the maximum height allowed).

e. ~~Fences.~~

~~1. Any yard that has a swimming pool shall be surrounded by a wall or fence installed in accordance with subsection (f)(6). With respect to the waterfront zone, this provision shall apply to the front and side yards, but not the rear property line adjacent to the waterfront.~~

~~2. A safety pool cover is not an acceptable alternative under F.S. § 515.127.~~

~~3. Gates. All openings shall be equipped with gates that have a spring lock type, so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.~~

(4) *Docks and mooring piles.* These regulations shall apply to all properties within the single-family districts, unless addressed in the specific regulations. For purposes of this section, properties shall be identified as provided for in the Village Waterfront Property Map.

\* \* \*

a. *General Requirements.*

Regulations	Requirements
* * *	* * *
Setbacks for docks, davits, fender pilings, watercraft and mooring piles	Minimum setback shall be the side setbacks in the applicable zoning district extended into the water. No portion of a watercraft, including, but not limited to, the bow pulpit, engines, & dive platforms shall encroach into the required setback.
* * *	* * *

\* \* \*

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- (5) *Driveway and Parking criteria.* The following provisions shall apply to all single Family and Two-Family Developments:

\* \* \*

- b. *Driveway material.* All driveways shall be paved or covered with a ~~hard~~ compacted pervious surface such as but not limited to pervious concrete, pavers, bricks, tile, pea rock, gravel and similar materials, but not asphalt. This paving requirement applies to the construction of new single Family and Two-Family Homes on vacant Lots or any Work on existing homes which costs 50 percent or more of the assessed value of the property. Driveways, which are paved with asphalt, are permitted to be retained unless the value of renovation Work exceeds 50 percent of the assessed value of the ~~property~~ driveway. Aprons (edge of pavement to property line) shall have the same finish as the driveway ~~or asphalt;~~ however, pea rock is not permitted.
- c. *Setbacks.* All driveways shall be set back at least five feet from any side property line. All circular and hammerhead/T- driveways shall be set back at least two feet from any front and/or ~~property~~ side facing Street property line. On Corner Lots, driveways shall be set back 15 feet from the extended Right-of-Way Intersection.

\* \* \*

- (6) *Fences and Walls.*

- a. *Generally.* For purposes of regulating perimeter fences and Walls, there is hereby established three zones. The "Front Zone" being the area between any enclosed Building and the adjacent Street(s) a property line fronting a street but in no event less than 15 feet from ~~the Streetsaid~~ property line, and the "Rear Zone" being the area from the back of the Front Zone to the rear property line, or to the ~~Waterfront~~ Zone (if applicable), and the "Waterfront Zone" being the entire area within 25 feet from any Waterway.

\* \* \*

- c. *Fence and Wall finish materials and restrictions.*

1. All Walls shall be finished on all side(s). Masonry Walls shall be stuccoed and painted, ~~except where adjacent and contiguous to an existing Wall or fence.~~ The owner shall provide documentation to the Building, Zoning and Planning Director that a good faith effort was made to obtain the adjacent owner's approval to stucco or paint the fence on the adjacent property. Wood fences shall have the structural side of the fence facing the interior of the property. Notwithstanding the foregoing, when a new fence or wall is proposed to be adjacent to an existing fence or wall, the applicant may leave the side adjacent to the existing fence or wall unfinished, provided the applicant executes a covenant in a form acceptable to the Village Attorney and records same in the Official Records of Miami Dade County, Florida, providing that in the event the adjacent lot's fence or wall is removed, the applicant's fence or wall shall

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515                    be finished on the outside, as long as the adjacent lot owner permits access to  
516                    finish said fence or wall.

517                    2.    ~~Wood fences shall have the structural side of the fence facing the interior of~~  
518                    ~~the property, unless a supervisory Variance is approved. [Reserved].~~

519                    3.    Chain link fences shall be coated with black or green finish materials. Chain  
520                    link fences associated with court games are permitted pursuant to Section 30-  
521                    100 [(f)(29)]. ~~Where permitted, chain link fences shall be coated with black or~~  
522                    ~~green finish materials.~~

523                    4.    Barbed wire and/or similar materials are not permitted.

524

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(7) *Front Yard encroachments.*

- a. Fountains: ~~One with a maximum height of five feet~~ Total basin area occupying no more than 100 square feet, maximum height six feet above Base Flood Elevation, base waterline depth maximum 12 inches, and with the following Setbacks: front, five feet; interior side, five feet; and side facing a Street, ten feet.
- b. Decorative in-ground reflecting pool: ~~One~~ Not to exceed 30 percent of the Front Zone with a maximum waterline depth of one foot and maximum height of Base Flood Elevation with the following Setbacks: front, five feet; interior side, five feet; and side facing a Street, ten feet.

\* \* \*

(8) *Garages facing a Street.*

- a. Lot width 80 feet or less: ~~No more than one parking space in a garage shall face the Street with a~~ Where a garage door faces a street, the garage door minimum 20 feet front Setback shall be set back the same or greater than the Dwelling. Garage doors must be compatible with the door and window details and overall architectural design of the Dwelling. The maximum width of the garage shall be 24 feet.
- b. ~~Lot width greater than 80 feet~~ Where Garage doors shall do not face a street, the minimum required front Setback shall be ten feet. The wall facing a street shall have windows that match those in the ~~Main Permitted Use Dwelling.~~

(9) *Gazebos and accessory Structures.*

\* \* \*

- d. Size: ~~2300 square feet when encroaching setbacks.~~ No size limit other than limits of Lot Coverage when not encroaching into required district setbacks. Measurement is from the outside of the roofline of the accessory structure or gazebo.

\* \* \*

- i. Roof overhangs shall be permitted on gazebos and accessory structures but shall be setback a minimum of 3.5 feet from the property line.

\* \* \*

(11) *Heating, ventilation, and air conditioning equipment.*

\* \* \*

- [b.] *Buffering of equipment in any Yard.* All equipment in a Yard shall meet the following standards:

\* \* \*

- ~~[3.] Landscaping around the equipment.~~

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\* \* \*

- (15) ~~Pavers and walkways in Side and Rear Yards.~~ The maximum width shall be 3.5 feet with a minimum setback of 2½ feet.

\* \* \*

- (17) ~~Porches, Porte-Cocheres, and Carports/Carport Canopies Setback Regulations. The following uses are permitted to encroach into Required Yards subject to the following Setbacks~~ Permitted Setbacks for the uses below are as follows:

Use	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Porches	10 ft. *	10 ft.	15 ft.	10 ft. *
Porte-Cocheres	10 ft.	10 ft.	15 ft.	10 ft.
Carports/Carport Canopies	10 ft. *	10 ft.	15 ft.	10 ft. *

\* If a development has a Porch and a Carport, then one of these shall ~~provide~~ have a minimum 15-foot Setback.

The placement of the above uses in Required Yards are subject to the following height, area, and design requirements:

- a. Porches. The maximum width of any Porch or combination of Porches may not exceed 60 percent of the Average Lot Width. The maximum Wall height of Porches shall not exceed 14 feet above the maximum permitted ~~Base Flood Elevation~~ Lowest Finished Floor Elevation.
- b. Carports and Porte-Cocheres which encroach into the principal Building Setback are limited to 500 square feet in area and only one such encroachment is permitted per Street frontage. The maximum height (to top of Structure) of Carport and Porte-Cochere encroachments shall not exceed 14 feet above the maximum permitted Lot elevation. The required open sides of a carport may be embellished with gates, latticework, or other architectural detail which follow the architectural language of the principal Structure and which must provide at least 50 percent open surface.
- c. Roofline of Carports, Porches and Porte-Cocheres shall not form an integral part of the principal roof Structure differ horizontally or vertically from the principal Structure roofline.

- (18) *Projections.* The following Structures are permitted to project into a Required Yard for a distance not to exceed 25 percent of said Yard with a maximum projection of six feet: Awnings, balconies, bay windows (maximum width of ten feet), canopies,

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chimneys, cornices, sills, ~~walkways~~ and other architectural features that the Building, Zoning, and Planning Director has determined are consistent with this subsection.

\* \* \*

(20) ~~*Retaining Wall, required.*~~ A retaining Wall shall be provided on the sides and rear of all yards of new Single Family and Two Family homes. [Reserved].

(21) *Roof, roof overhangs and rooftop uses.* Principal Building roofs in all single Family districts shall adhere to the following Regulations:

\* \* \*

e. No portion of a roof, including the gutter, shall be permitted to extend more than 5 feet into a Required Yard, nor may any portion of a roof extend closer than 3½ feet from any interior side nor 2½ feet from ~~or a side~~ facing Street property Lot line.

f. When a scupper drainage system is used in connection with a flat roof, the scupper cannot be located closer than 7½ feet from any property line.

\* \* \*

(23) *Satellite dishes.* Shall not have a diameter that exceeds one meter.

(234) *Sheds.*

a. Maximum Height: 7.5 feet above the ~~Maximum Lot~~ Base Flood Elevation.

\* \* \*

(245) ~~*Solar heating panels and equipment.*~~ All solar panels shall be visually screened from the adjacent right(s) of way, or set into the roof so that the upper roof surface abuts the side or back of the solar panel. The Village encourages the use of alternative energy sources pursuant to Florida Law. Any supporting equipment, including energy storage equipment, required for operation of solar panels must be screened from the right of way.

(256) ~~*Steps in Front Yard.*~~ Steps in the Front Yard shall have a maximum width of ten feet.

(267) ~~*Steps and landings.*~~ The following regulations shall apply to steps and landings.

\* \* \*

(278) *Swimming pools*

a. *Safety Features.* A residential swimming pool must meet at least one of the requirements relating to pool safety features as required by Section 515.27, Florida Statutes, as amended. Notwithstanding, the Village will not accept a safety pool cover as an acceptable alternative under Section 515.27, Florida Statutes, as amended.

b. *Height.* Swimming pools that encroach into the required setbacks for the Dwelling shall not exceed a height greater than that allowed for the Maximum Lot Elevation.



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Swimming pools that do not encroach into the required setbacks for the Dwelling shall not exceed a height greater than that allowed for the finished floor elevation.

- c. Setbacks. Swimming pools shall have minimum setbacks, which shall be measured from the swimming pool's waterline to the property line, as follows:

<u>Yard</u>	<u>VR</u> <u>Village</u> <u>Residential</u>	<u>VE</u> <u>Village</u> <u>Estate</u>	<u>IR</u> <u>Island</u> <u>Residential</u> <u>(interior)</u>	<u>IR</u> <u>Island</u> <u>Residential</u> <u>(waterfront)</u>	<u>PS</u> <u>Parkside</u> <u>Residential</u>
<u>Front</u>	<u>6.5 ft.</u>	<u>10 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>6.5 ft.</u>
<u>Rear</u>	<u>6.5 ft.</u>	<u>6.5 ft. *</u>	<u>6.5 ft.</u>	<u>6.5 ft. *</u>	<u>6.5 ft.</u>
<u>Side, interior</u>	<u>6.5 ft.</u>	<u>6.5 ft.</u>	<u>7.5 ft.</u>	<u>6.5 ft.</u>	<u>6.5 ft.</u>
<u>Side, Street</u>	<u>6.5 ft.</u>	<u>6.5 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>6.5 ft.</u>

\* Waterfront Lots may provide a zero Setback. The foregoing Setbacks shall be measured from the water's edge.

- d. Walls or Fences. Any yard that has a swimming pool shall be surrounded by a wall or fence. In addition, where an adjacent lot's wall or fence is used to satisfy the requirements of this subsection, at least one of the requirements set forth in Section 515.27(1), Florida Statutes, as amended, shall be implemented as a residential swimming pool safety feature. Notwithstanding, if the adjacent lot's wall or fence is removed or destroyed, the property owner shall be required to provide a wall or fence in accordance with this subsection. With respect to the waterfront zone, this provision shall apply to the front and side yards, but not the rear property line adjacent to the waterfront.

- e. Swimming pool pumps, heaters, and similar equipment. Pool equipment shall be screened from view from the right-of-way and adjacent properties at a minimum six inches above the equipment. A perimeter wall, solid fence, or landscaping may fulfill this requirement when the equipment is set back four feet or less from a property line. Swimming pool pumps, heaters, and similar equipment ~~are permitted to encroach into Required Yards~~ subject to the following Setbacks shall have a minimum setback from the property line as follows:

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647

Yard	VR Village Residential	VE Village Estate	IR Island Residential (interior)	IR Island Residential (waterfront)	PS Parkside Residential
Front	Not permitted **	Not permitted **	Not permitted **	Not permitted **	Not permitted **
Rear	2 ft.	2 ft. 0 ft. if waterfront	2 ft.	2 ft. 0 ft. if waterfront	2 ft.
Side, interior *	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Side, Street *	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted	2 ft. if behind an opaque Wall, otherwise not permitted

648 ~~\*If the equipment is located in a Side Yard, landscaping shall be planted which~~  
649 ~~obscures views of said equipment. Additionally, where said equipment is located along~~  
650 ~~any Street frontage it must be visually screened from the public Right of Way.~~

651 ~~\*\*If a pool is permitted pursuant to subsection (f)(3), the equipment shall be at least two~~  
652 ~~feet from any side property line, but in no instance shall it be placed in a location that~~  
653 ~~allows it to be seen from the Street.~~

654 ~~(28) Telecommunication antennas. These antennas shall comply with the following~~  
655 ~~Regulations:~~

- 656 ~~a. Shall not have a diameter or height that exceeds one yard.~~
- 657 ~~b. Shall be placed in a location to minimize its view from any public Street. A line of~~  
658 ~~site study (antenna location to the sidewalk) shall be submitted for Building,~~  
659 ~~Zoning, and Planning Director approval.~~
- 660 ~~c. Shall employ, to the maximum extent possible, materials and colors that blend with~~  
661 ~~the Building and surroundings.~~

\* \* \*

663 ~~(31) Walkways. The following regulations shall apply to walkways:~~

- 664 ~~a. Front Yard: Subject to the provisions of this subsection, no maximum width.~~

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- i. Walkways parallel to front property line. Where a walkway is parallel to the front property line, it must be setback a minimum of 2.5 feet from the front property line.
- ii. Walkways perpendicular to front property line. Where a walkway is perpendicular to the front property line, no setback is required. The maximum width of the walkway within 2.5 feet of the front property line shall be no greater than five feet.
- iii. Walkways encroaching on swale. A walkway not greater than five feet in width may encroach into the swale, subject to the Director or his/her designee's written approval. The aggregate sum of the driveway and the walkway shall not exceed the maximum allowable driveway width.
- b. Side Yard: The maximum width shall be no greater than four feet and shall be setback a minimum of two feet from the Side Yard property line.
- c. Rear Yard: No maximum width. Shall be setback a minimum of two feet from the Rear Yard property line.
- (32) Waterfront view corridor. No Structure shall be permitted within an isosceles triangle with each side measuring 25 feet at the intersection of the rear and side Lot lines; however, a hedge, Wall, or fence with a maximum height of four feet is permitted.

\* \* \*

Sec. 30-102. - GU Government Use District.

- (a) *GU Description.* Upon the acquisition of ownership of or a long term lease (five years or longer) of land by the Village, the Village Manager or designee shall indicate on the Official Zoning Map that the zoning district designation for the property is GU, Government Use.
- (b) *Purpose and Uses.*

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is designed to permit land owned by a governmental entity to be used for any public purpose and certain limited private activities.	Governmental Buildings and facilities such as but not limited to schools, offices, post offices, parks, open space, community centers, recreational buildings, police and fire stations. Recreational activities as	None	Any Use customarily associated with the Main Permitted Use (See section 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use. (See section 30-113)

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	described in subsection (e).			
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689 (c) *Development Regulations.* Council shall use the following Development Regulations:

Floor Area Ratio	Maximum Height	Lot Coverage	Lot Area	Setback
.75	35 ft.	35%	No minimum	5 ft., except where prior zoning district has a more liberal setback standard, which shall then apply

690 (d) *Approval Process.* Prior to establishing any new use of lands designated GU, the Village  
691 shall conduct the following public hearing(s):

692 (1) The Village Council shall conduct a public hearing to determine the Use(s) to which  
693 particular land purchased for Governmental Use may be put. The public hearing before  
694 the Village Council shall be held upon at least 15 days' notice of the time and place of  
695 such hearing published in a newspaper of general circulation in the Village. A courtesy  
696 notice containing general information as to the date, time, and place of the hearing, the  
697 property location and general nature of the proposed Use may be mailed to the property  
698 owners of record within a radius of 300 feet of the property on which the facility will be  
699 located, or such greater distance as the Village Manager may prescribe; provided,  
700 however, that failure to mail or receive such courtesy notice shall not affect any action  
701 or proceeding taken hereunder. To provide additional notice to the public, the property  
702 shall be posted by a Sign or Signs indicating the action desired and the time and place  
703 of the public hearing thereon.

704 (2) At the public hearing the Village Council shall consider the Use(s) to which the land  
705 should be put, from the list of Uses in paragraph (b) above, considering among other  
706 factors a recommendation by the Village Manager (if any), the public need therefore  
707 and the existing land use pattern in the area. After considering these factors and any  
708 public comment, the Village Council shall adopt a resolution establishing the Use(s) for  
709 the property and take such action as is necessary to promote and protect the public  
710 health, safety and welfare of the citizens and residents of the Village.

711 (3) If the Use(s) approved by the Village Council include the construction of any  
712 Buildings or Structures on the property, the Village Council shall conduct another  
713 public hearing prior to the commencement of any construction activity. That public  
714 hearing shall be noticed in the same manner as the initial hearing described in  
715 subsection (d)(1) above. At the public hearing the Village Council shall review and  
716 evaluate a detailed Site Plan for the property, including all Buildings and improvements.  
717 At a minimum, the Site Plan shall contain a schedule of development criteria as set forth  
718 in subsection (c) above. In its review and approval, the Village Council shall apply the

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development regulations in subsection (c) above, except that the Village Council may waive the regulations or any part of the regulations in the interest of the public health, safety and welfare to provide the facilities to serve the public. After considering the Site Plan, recommendations of the Village Manager (if any) and public comment, the Village Council may by resolution take such action as it deems necessary or appropriate to promote and protect the public health, safety and welfare of the citizens and residents of the Village, including the approval of the Site Plan with any modifications thereto.

- (e) *Permitted Recreational Activities.* Subject to the approval of a Beach Management Plan pursuant to subsection (f) and the supplementary regulations in subsection (g) the activities as described below shall be considered Main Permitted Uses on lands within the GU District which are seaward of the Erosion Control Line (as identified in Section 1.03 of the Village Charter) where such activities occur as ancillary and supportive of principal uses conducted on the upland contiguous privately owned property.

Type of Recreational Activities	Upland Hotel	Upland Private Beach Club	Upland Multi-Family Residential
Use of lounges/chairs/umbrellas	Yes	Yes	Yes
Food and Beverage Service	Yes	Yes	No
Special Events <sup>1</sup>	Yes	Yes	Yes
Use of Non-Motorized Vessels <sup>2</sup>	Yes	Yes	No <sup>3</sup>

<sup>1</sup> Special Events shall be limited to the following: organized athletic events, meetings, parties, weddings, fireworks displays, or professional film activities and shall be subject to obtaining a Special Event Permit pursuant to section 17-5 of the Village Code.

<sup>2</sup> Up to six non-motorized Vessels (as defined in Section 327.02(37), Florida Statutes) shall be permitted for use in conjunction with and as accessory to hotels of at least 250 rooms or private beach clubs. They shall be operated only through an approved channel authorized under section 4-32 of the Village Code, and shall be uniformly marked and painted in a uniquely identifiable manner associated only with the hotel property or private beach club. Additionally, except for an authorized rescue vessel approved under subsection (g)(9) below, the use of motorized vessels is absolutely prohibited.

<sup>3</sup> Nothing in this section shall be construed or interpreted to preclude individual Village residents from the legal use and enjoyment of the public beach area, or deny or impair the common law riparian rights of persons owning property which fronts the public beach area, or to require that individual residents (including specifically residents within any multifamily apartment building) obtain an approved Beach Management Plan for such activities.

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(f) *Beach Management Plan Approval.* As a condition to the establishment, use and operation of any of the uses listed in subsection (e) above (except for Special Events which require a Special Event Permit), a plan for the proposed use and operation (Beach Management Plan) shall be submitted and approved by the Village. Except for the use of lounges, chairs and umbrellas, all Beach Management Plans shall require the approval of the Village Council after a public hearing noticed in accordance with section 30-68 of the Village Code. Beach Management Plans for the use of lounges, chairs and umbrellas shall be approved by the Village Manager. In the approval, the Village Manager or Village Council must find that the proposed activity(ies) comply with the requirements of this section and do not constitute a threat to public safety or welfare or constitute a danger or impediment to the public beach area. The Village Council or the Village Manager shall impose reasonable restrictions and conditions on the approval of the Beach Management Plan in order to preserve the health, safety and welfare of the Village residents. Violation of any provision of the approved Beach Management Plan automatically results in the revocation the Beach Management Plan approval. Nothing in this section shall be construed or interpreted to preclude individual Village residents from the legal use and enjoyment of the public beach area, or deny or impair the common law riparian rights of persons owning property which fronts the public beach area, or to require that individual residents (including specifically residents within any multifamily apartment building) obtain an approved Beach Management Plan for such activities.

(1) *Beach Management Plan Application and Procedures.* In a form provided by the Village, all Beach Management Plans shall be submitted to the Village Manager and shall contain the following information:

- a. A detailed and dimensioned site plan depicting the type and location of all proposed activity(ies), structures, garbage containers, storage areas and where the use of Vessels is proposed, the proposed location of a channel to be approved by Village Council pursuant to section 4-32 of the Village Code;
- b. If applicable, the number of proposed Vessels;
- c. Proposed hours of operation;
- d. Proposed safety and emergency plans;
- e. If applicable, storage, hours of use and method of fueling of an all terrain vehicle authorized under subsection (g)(10) below;
- f. Indemnity and Insurance (with Village as additional insured) in a form and amount approved by Village Attorney;
- g. Proof of ownership of adjacent upland property or written authorization from upland property owner;
- h. Application fee plus the annual inspection fee for the approved activity as established by resolution pursuant to section 30-4 of the Village Code;
- i. Any additional information as reasonably required by the Village Manager.

(g) *Supplementary Regulations.* The recreational activities identified in subsection (e) shall be subject to the following restrictions:

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- (1) All activities shall be conducted as accessory to the adjacent contiguous upland property.
- (2) It is prohibited to conduct the sale or rental of any equipment or food and beverage item associated with any permitted activity upon the public beach. The sale or rental shall only be conducted upon the associated upland private property.
- (3) None of the permitted activities shall be conducted or maintained outside of the property area contained within the extension of the side lot lines of the upland property as they extend seaward toward the waterline.
- (4) Activities adjacent to the upland hotel and private beach club properties shall be setback 20 feet from the adjacent property side lot lines as extended seaward toward the waterline.
- (5) Activities adjacent to the upland multi-family residential properties shall be setback ~~100~~ 20 feet from the adjacent property side lot lines as extended seaward toward the waterline.
- (6) None of the permitted activities including the storage of any equipment shall be maintained or conducted within five feet of the dune as defined pursuant to Section 161.54, Florida Statutes, or within 15 feet of the waterline, unless overnight storage on the public beach is approved pursuant to a Beach Management Plan.
- (7) Except for one corporate insignia, no larger than 20 square inches identifying the applicant or the upland property owner, commercial advertising shall be prohibited on all equipment associated with any approved activity.
- (8) Except as approved pursuant to a Special Event Permit, hours of operation shall be limited to between sunup and sundown each day and all equipment, furniture, and temporary structures (if any) shall be removed from the public beach by sundown each day unless overnight storage on the public beach is approved pursuant to a Beach Management Plan. This limitation shall not apply to the use of chairs and lounges for viewing fireworks displays on Independence Day or New Year's Eve.
- (9) The use of non-motorized vessels shall be prohibited without the onsite provision of one personal watercraft as defined in Section 327.02, Florida Statutes, maintained in good working condition and available at all times for emergency rescue purposes. The personal watercraft shall have a four stroke engine or best available technology, be equipped with an operational marine radio or wireless phone, and shall satisfy all U.S. Coast Guard safety requirements.
- (10) Except for an unenclosed motorized all terrain vehicle approved pursuant to a Beach Management Plan, it is prohibited to use or operate or to allow another to use or operate upon, or along the public beach, or upon any beach or shoreline or waters adjacent thereto, any motorized vehicle. The private use of an all terrain vehicle must be limited in use to the loading and unloading of equipment permitted under an approved Beach Management Plan. This prohibition shall not apply to any municipal, county or state vehicle, or to any vehicle or equipment authorized by the Village to be used or operated for a public purpose.



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(11) Approval of a Beach Management Plan does not exempt user from adhering to all local, state and federal statutes and regulations and requirements, including, but not limited to, Article II "Local Business Tax Receipt" of Chapter 25 "Taxation" of the Village Code.

(h) *Change Upon Sale or Lease Expiration.* Upon the sale (or expiration of a long term lease) of GU land that was owned (or leased) by the Village, the Village Council shall change the zoning district designation pursuant to the procedures established in this section.

(i) *Conflict.* This section 30-102 shall be the exclusive regulation governing lands designated GU, and to the extent that it conflicts with any other section of this chapter, this section shall control.

\* \* \*

Sec. 30-110. - Allowable encroachments into Required Yards (all districts except Single Family and PS Parkside Residential).

\* \* \*

(b) *Canopies.* A Canopy shall be permitted to extend from an entrance door ~~toward the fronting~~ a Street side of any Building. The Canopy may extend to within 18 inches of the ~~edge of pavement property line.~~ Such canopies shall not exceed 15 feet in height and 12 feet in width or be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the Canopy valance of at least seven feet. The location of vertical supports for the Canopy shall be approved by the Engineering Division.

\* \* \*

(p) *Temporary Structures.* Five feet or as required by the Florida Building Code.

(q) *Tennis courts and similar court games.* The following Regulations shall apply for fences, lightpoles or other Accessory Structures associated with court games in all districts.

\* \* \*

Sec. 30-112. - Supplemental Use Regulations.

\* \* \*

(i) *Dumpster enclosures.* Dumpsters shall be placed within the Building. Dumpsters existing as of [insert effective date of this Ordinance] shall meet the following requirements on or before [insert three years from the effective date of this Ordinance]:

(1) Shall not be visible from a public right of way.

(2) Height shall be a minimum of two feet above top of dumpster(s), not to exceed eight feet in height.

(3) The base of the enclosure shall consist of a hard-paved surface of asphalt or poured concrete, and shall be 24 inches larger on all sides than the dumpster to be located upon the base.

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(4) The minimum inside dimension shall be not less than six feet by six feet.

(5) The base shall be equipped with a drain, required to be installed under applicable State and local codes, and designed in a manner to drain only the area of the dumpster enclosure base.

(6) Wheel stops shall be provided inside the enclosure at the rear and sides six inches from the walls to prevent the container from making contact with the walls.

(7) The finish on three sides shall be concrete block, stucco, or prefabricated concrete panels, painted to match the paint color of the main Use.

(8) Gates shall be aluminum picket or galvanized steel with solid backing for complete screening. Gates shall be attached to a metal post having at least three inches in diameter, with at least three hinges for each post and an outward swinging door. Each gate shall have a wheel at the bottom to prevent it from sagging. Gates shall have drop pins or rods to hold the gates in place in both the open and closed position.

(9) Protective four-inch diameter by four feet high solid bollards are required two feet in each way from the front corners of the dumpster enclosure wall.

(10) Enclosures intended for the use of properties zoned multifamily residential shall be constructed with a 32 inch opening with a door to match material and specifications of front enclosure doors on one side for pedestrian access to deposit trash. A concrete level walkway shall be provided for the pedestrian access opening.

(j) *Home occupations in Single Family, RM Multiple Family Districts, and PUD Planned Unit Development Districts.* Are permitted subject to the following:

\* \* \*

(j*k*) *Outdoor dining Regulations.* Tables and chairs may be placed outside of a restaurant on private property that is located on individual sites or within Shopping Centers. The tables and chairs may be used for dining purposes as an accessory to an indoor restaurant facility, subject to compliance with the following criteria:

\* \* \*

(k*l*) *Room additions to residential Structures and conversions of garages or Carports to living space.* Are permitted subject to the following:

\* \* \*

(l*m*) *Satellite dish antennas.* Shall not have a diameter that exceeds one meter. Antennas or dishes larger than one meter in the other districts shall comply with the following requirements and may only be approved by the Village Council subject to the Conditional Use procedures:

\* \* \*

(m*n*) *Suites Hotel or suite Hotel Units.* When a Hotel Unit contains Cooking Facilities it shall be considered as a suite Hotel Unit and shall conform with the following:

\* \* \*

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(no) *Vending Machines*. Permitted as an Accessory Use if the machine(s) is located inside a Building at least ten feet from a window that faces a Street or in a courtyard when the machine(s) cannot be seen from a Street.

\* \* \*

ARTICLE VII. - OFF-STREET PARKING AND LOADING

\* \* \*

Sec. 30-181. - Location, character and size of required Parking spaces.

\* \* \*

(e) ~~Parking Lot aisles in Lots that contain 50 or more spaces shall be numbered. Aisles in Lots that exist prior to the effective date of this ordinance shall be numbered when the Parking Lot is resealed.~~ [Reserved].

\* \* \*

(h) Lighting shall be arranged and designed to prevent glare or excessive light on Adjacent Property and ~~shall not exceed 0.5 foot candles in accordance with Section 8C-3~~ "Illumination for open parking lots, alleys and access thereto and parking and nonenclosed areas under or within buildings" of the Miami-Dade County Code, as amended.

\* \* \*

\* \* \*

(q) ~~Setback for parking garages in single Family homes. A 20-foot Setback from the garage door to a property line~~[Reserved].

\* \* \*

Sec. 30-194. - Multi-Family Residential district permanent Signs.

\* \* \*

Sec. 30-242. - Artificial turf.

(a) *Definitions* . The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section:

(1) *Corner Lot*. A Lot located at the intersection of two streets and abutting such streets on two adjacent sides.

(2) *Artificial Turf*. An artificial product manufactured from synthetic materials that simulates the appearance of natural turf, grass, sod or lawn.

(b) *Installation*.

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(1) *Single Family and Two-Family Districts.* Within the VR, VE, IR and PS Districts, Artificial Turf shall not be permitted to be installed within a Front Yard of any Lot, or within a Street Side Yard of a Corner Lot.

(2) *Other Districts.* Within all other zoning districts with the exception of the PROS Public Recreation and Open Space Use District and the GU Government Use District, Artificial Turf shall not be permitted to be installed within a Front Yard, or within a Side Yard facing a Street.

(3) Exception. Notwithstanding the provisions of this subsection (b), Artificial Turf may be permitted along a private street or along a private right-of-way so long as it is not seen from the public right of way.

(c) *Installation, Maintenance and Repair.*

(1) No person shall install Artificial Turf without first obtaining a permit from the Village Planning, Building and Zoning Department.

(2) All Artificial Turf shall, at a minimum, be installed according to the manufacturer's specifications.

(4) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.

(5) If Artificial Turf is planned to be installed immediately adjacent to a seawall, the Artificial Turf shall be pinned or staked behind the seawall. No Artificial Turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.

(6) Artificial Turf shall be visually level, with the grain pointing in a single direction.

(7) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate Artificial Turf from soil and live vegetation.

(8) Precautions for installation around existing trees, including a proper radius, shall be provided to ensure that tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.

(9) All Artificial Turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, animal waste, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the Artificial Turf shall not be loose and must be maintained with appropriate edging or stakes.

(10) All Artificial Turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing Artificial Turf, without any matting.

(11) All Artificial Turf shall be installed on a permeable backing in order to ensure proper drainage.

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974 (12) All Artificial Turf shall be of the highest quality available from a list of Village-  
975 approved manufacturers and shall be a natural green color selected from a palette of  
976 colors approved by the Village.

977 \* \* \*